

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
IN AND FOR THE STATE OF UTAH

IN THE MATTER OF THE BOARD	)	
ORDER TO SHOW CAUSE ISSUED	)	<b>ORDER</b>
TO MINERALS WEST, INC.'S	)	DOCKET NO. 91-045
MIVIDA MINE,	)	CAUSE NO. <b>M/037/028</b>
SAN JUAN COUNTY, UTAH	)	
	)	

By Formal Petition dated October 23, 1991, the Division of Oil, Gas and Mining, "Division," petitioned the Board of Oil, Gas and Mining, "Board," for an Order authorizing the Division to enter upon and perform reclamation on land known as the MiVida Mine, located in San Juan County, Utah, and owned by Minerals West, Inc. Thomas M. Nielson, President. This matter was heard by the Board during its December 5, 1991 hearing.

Because of Minerals West, Inc.'s failure to secure all mine openings and perform other maintenance on the site to eliminate public safety and environmental hazards at the MiVida Mine, the Division requested that the Board issue an order authorizing the Division to reclaim the MiVida Mine site. Funds from the forfeited (\$19,569) reclamation surety would be used to reclaim the mine site. This surety had been posted for the purpose of reclamation of disturbances associated with the MiVida Mine Project. The following Board Members, constituting a quorum, were present and participated in the hearing and in the decision embodied herein:

James W. Carter, Chairman  
E. Steele McIntyre  
Judy F. Lever  
John M. Garr  
Kent G. Stringham

Jay Christensen  
Raymond Murray

Members of the staff of the Division of Oil, Gas and Mining present at  
and participating in the hearing included:

Dr. Dianne R. Nielson, Director  
Division of Oil, Gas and Mining

Holland W. Shepherd, Senior Reclamation Specialist  
Division of Oil, Gas and Mining

Thomas A. Mitchell, Assistant Attorney General of the State of Utah,  
also participated in the hearing on behalf of the Division of Oil, Gas and Mining.

Based upon the record and the testimony given during the December  
5, 1991 hearing, the Board finds as follows:

#### FINDINGS

1. Minerals West, Inc. has failed to meet the time deadlines established by the Division and Board for compliance with the permitting requirements for the MiVida Mine site (M/037/028), San Juan County, Utah.
2. Minerals West, Inc. has failed to comply with the statutory requirements of Utah Code Ann. § 40-8-7 and Utah Admin. R. 613-004-113, which require an operator to eliminate public safety and environmental hazards upon cessation of mining operations.

#### CONCLUSION

The Board concludes that Minerals West, Inc. has demonstrated a knowing and willful pattern of violation of the Utah Mined Land Reclamation Act, Utah Code Ann. § 40-8-1, et seq. 1988, and the rules promulgated pursuant to statute.



### ORDER

The Board finds Minerals West, Inc. in violation of the Utah Mined Land Reclamation Act and rules pursuant to Utah Code Ann. § 40-8-9, as set forth above. Because of Minerals West, Inc.'s failure to meet the deadlines for compliance imposed by the Division, the Board hereby orders that Minerals West, Inc. permit number M/037/028 be revoked and the reclamation surety in the amount of \$19,569 (and whatever additional amount currently exists in the account) be forfeited.

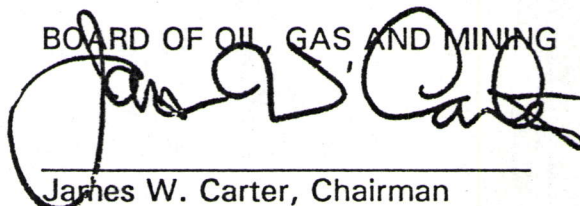
The Board orders the Division of Oil, Gas and Mining to prepare a detailed reclamation plan for those disturbances associated with Minerals West, Inc.'s operations at the MiVida Mine site. The plan should include, to the extent practical, provisions for remediation of any imminent public health and safety concerns which may pose a threat to the general public and local residents.

The Board hereby authorizes the Division to utilize the forfeited \$19,569 Minerals West, Inc. reclamation surety, to perform the required onsite reclamation and/or remediation activities.

The Board reserves the right to seek supplemental relief from Minerals West, Inc., within its statutory authority, should the \$19,569 surety not be sufficient to complete the required onsite reclamation and/or hazard remediation activities pursuant to Utah Code Ann. §§ 40-8-8, 40-8-9.

Dated this 13th day of January, 1992

BOARD OF OIL, GAS AND MINING



James W. Carter, Chairman